



Physical Therapy Board of California

Progress Notes

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Supervision of Physical Therapist Assistants and Physical Therapy Aides

In 2003 the Board accepted input from licensees and the public regarding the regulations that define adequate supervision for physical therapist assistants and physical therapy aides. The input on supervision of physical therapist assistants has been in the form of public testimony during a public hearing on specific proposed changes to Section 1398.44 of the Physical Therapy Regulations and through a task force that had several meetings and made recommendations to the Board. The input on supervision of physical therapy aides was obtained through public forums during board meetings. Due to the diverse opinions the Board received, it was decided to not continue with the revisions to the physical therapist regulations, and to inform all of the Board's licensees through this newsletter article that all licensees should consider if the current level of regulation is necessary to ensure the safety of patients who are receiving part of their care from physical therapist assistants and physical therapy aides.

Some licensees have suggested to the Board that a change in the statute should be sought from the Legislature that would eliminate the ability of a physical therapy aide to provide direct patient care. This change would be consistent with the policies of the American Physical Therapy Association. Other licensees have expressed the opinion that the utilization of physical therapy aides is an important part of the overall treatment plan.

One of the key issues that licensees have shared with the Board is concern over the documentation requirements that the current regulations require in the patient record. This discussion has raised the thought that an effort should be made to separate, as much as possible, the elements of documentation of the care provided from the supervision issues. Please keep this in mind as you read the article below on the documentation of care in patient records.

The Board would like you to consider the following questions for both the physical therapist assistant and the physical therapy aide and provide your input to pi@dca.ca.gov. Please include "PTA SUPERVISION" or "PT AIDE SUPERVISION" in the subject of the e-mail message and identify your classification, i.e. PT, PTA, PT aide. Current regulations can be found on the Board's website.

1. What would you consider to be "adequate" supervision of a PTA?
2. How specific should the regulation be?
3. How should the PT in charge of a specific patient be identified?
4. What specific patient-related tasks should an aide be allowed to perform?

Documentation of Physical Therapy Care in the Patient Record

PTs, PTAs and PT aides are required by statute and regulation to document certain elements of the physical therapy care in a patient record. Some of the documentation requirements are contained in the supervision regulations, 1398.44 and 1399, and some in Section 2620.7 of the Physical Therapy Practice Act. Whether or not a PTA or PT aide provides any part of the patient care, a PT must always include in the patient record an evaluation, goals, treatment plan, summary of treatment and the care actually provided. In addition, the statute specifies that the PT shall sign the patient record legibly. Questions have come up during the review of patient records of just how specific documentation of care provided should be. For example, there has been disagreement as to the detail required in an entry indicating that patient exercises were included in the treatment plan. Is the statement that exercises were included sufficient, or should the patient record reflect the specific exercises, the number of repetitions and sets, and the amount of weight? The Board would like to know what you would expect to see in a patient record if you were to take over the care of a patient whose prior PT was unavailable to answer any questions. Please e-mail your comments to the Board at pi@dca.ca.gov. Please include "PATIENT RECORD REQUIREMENTS" in the subject of your message and indicate your PT classification.

CURRENT STATUS OF PROPOSED REGULATIONS

Each year the PTBC reviews the Board's regulations and determines if there is a need for revising, adding or eliminating regulations governing the practice of physical therapy in California. The process of adopting regulations is called rulemaking. Proposed regulations are submitted to the Department of Consumer Affairs and Office of Administrative Hearings each year in a document called a Rulemaking Calendar. Once the rulemaking calendar has been submitted, the PTBC is limited to those regulatory issues which were included on that calendar.

In 2003, the PTBC's rulemaking calendar included an ambitious agenda of items identified by licensees such as required wording for EMG reports and guidelines on the use of a prefix, affix or suffix to indicate that a licensee had earned an academic degree. Updating of supervision requirements and the citation and fine regulations were also included based on concerns from licensees, board members and staff. In addition, a regulation to implement the new statutory authority to issue initial probationary licenses was included in the 2003 rulemaking calendar.

The PTBC placed all regulatory revisions, both planned and in process, on hold in November when Governor Schwarzenegger issued an executive order requiring the withdrawal and reconsideration of regulations in process. The executive order also requires the PTBC to reconsider all regulations which have been adopted since January 6, 1999.

The focus of the executive order was to ensure that regulations adopted by state agencies included meaningful and fair public participation, that the cost and impact on California's businesses were considered, and that the regulations are necessary. The PTBC has always given these issues great consideration in the development of regulations. Consequently, while the executive order has caused some delay in the process, the PTBC welcomes the opportunity to reassess its past efforts to ensure that its regulations are appropriate.

To ensure public participation, the PTBC holds public hearings on regulatory proposals, sends notices of proposed regulations to the Board's entire mailing list and posts the information on the Board's web page. In addition, the PTBC will often form a task force that includes licensees to develop regulatory proposals. The PTBC encourages all licensees and the public to become involved in the rulemaking process by being added to the Board's mailing list, submitting comments on proposals in writing or in person at hearings, and by volunteering to be on task forces. Currently proposed changes are as follows:

- 1399.26 Citations and Fine
Initial Statement of Reasons Filed
- 1399.70 Electromyography Reports
Initial Statement of Reasons Filed.
- 1398.44 PTA Supervision Defined
2002 file discontinued, 2003 file presented at the November Board Mtg.
- 1398.12 Use of Prefix, Affix, and Suffix to Indicate Academic Degree
Rulemaking File filed with Department of Consumer Affairs and the Office of Administrative Law
- 1399.16 Issuance of Initial Probationary License
Initial Statement of Reasons Filed

WHAT ARE CITATIONS AND WHY ARE THEY GIVEN

A Citation and Fine Order is an alternative means by which the Physical Therapy Board of California can address relatively minor violations that would not necessarily warrant discipline in order to protect the public.

Receiving a citation could be compared to receiving a parking ticket. The intent is a reminder that the action, though minor, is still a violation of the law. Just like a parking ticket, payment of the citation resolves the violation with the Board. Citation and Fine Orders are not disciplinary actions, but they are matters of public record for seven years, although the Board is looking at reducing the time frame for retaining a citation.

Citable violations and the range of fines can be found in the California Code of Regulations Title 16, Division 13, Section 1399.26.

BOARD'S DISCLOSURE POLICY

Recently the Department of Consumer Affairs (DCA) adopted a new consumer complaint disclosure policy. The policy balances the public's need to know about complaints filed against licensees they may be seeking professional services from and the need to not unfairly disclose information prior to a formal hearing which could be detrimental to a licensee's reputation. The new policy represents only a minor change from the PTBC's existing policy. Currently, disclosure is not made until the PTBC issues a citation, denial, accusation, or seeks an interim suspension order. Under the new policy the PTBC would make the disclosure when the decision has been made by the Executive Officer to refer the complaint to the Office of Attorney General for legal action. This change would result in the public having knowledge of the complaint at least thirty (30) days earlier for most complaints.

At its August 8th meeting the PTBC board members directed board staff to implement the DCA recommended complaint disclosure policy effective November 1, 2003. The policy is available on the Board's website.

Please note: This is not the Progress Notes in its entirety. To receive a completed printed version of this issue of Progress Notes, please contact the Board.